

Remarks:

Reconsideration of the application, as amended herein, is respectfully requested.

Claims 1, 3 - 6 and 9 - 28 are presently pending in the application. Claims 1, 9, 10, 15 and 22 have been amended. Claims 7, 8 and 29 - 34 have been canceled from the instant application, without prejudice. Claim 2 was canceled in a previous response. More particularly, claim 1 of the instant application has been amended herein to include the limitations of former claims 7 and 8, and thus corresponds to former claim 8. Former claims 7 and 8 have been canceled from the instant application. Additionally, claims 9 and 10 have both been amended to include the limitations of former claims 1 and 7, from which those claims formerly depended. As such, all of the, now, independent claims existed in their present forms at the time of the last Response, prior to the mailing of the final Office Action. Thus, no issues are raised as a result of these amendments and no new searching is required, and it is believed that the instant amendments should be entered of record.

Applicant gratefully acknowledges that claims 15, 16 and 22 - 28 have been indicated as being allowable if rewritten to include all the limitations of the claims from which those claims depend. Claims 15 and 22 have been amended to include

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all of the limitations of original claim 1, from which those claims depended. Claims 16 and 23 - 28 depend from amended claims 15 and 22, respectively. As such, it is believed that, pursuant to item 3 of the final Office Action, claims 15, 16 and 22 - 28 are in condition for immediate allowance.

Item 7 of the Office Action states "[t]his application currently names joint inventors" and, as such "Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim not commonly owned at the time a later invention was made". Applicant would like to point out herein, that he is the sole inventor of the claimed subject matter, as reflected in the Declaration and Power of Attorney filed in the instant case on April 28, 2004.

In item 5 of the Office Action, claims 1, 3 - 7 and 17 - 20 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U. S. Patent No. 6,792,287 to Tuomela et al ("TUOMELA").

In item 8 of the Office Action, claims 8 - 10 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over TUOMELA in view of U. S. Patent Application Publication No. 2002/0133716 to Harif ("HARIF"). In item 9 of the Office

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Action, claims 11 - 14 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over TUOMELA in view of U. S.

Patent No. 6,271,745 to Anzai ("ANZAI"). In item 10 of the Office Action, claim 21 was rejected under 35 U.S.C. § 103(a) as allegedly being obvious over TUOMELA in view of U. S.

Patent No. 6,628,810 to Harkin ("HARKIN"). Further, in item 11 of the Office Action, claims 29 - 34 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over TUOMELA in view of ANZAI.

Applicant respectfully traverses the above rejections, as applied to the amended claims.

**I. Applicant's amended claim 1 is patentable over the cited references.**

More particularly, claim 1 recites, among other limitations:

granting children at least one of minimal user authorization and minimal setting authorization upon biometric recognition of a respective child's fingerprint;

providing a light with the appliance; and

authorizing children to turn on the light as the minimal user authorization. [emphasis added by Applicant]

As such, Applicant's claim requires, among other things, presetting a minimal user authorization for a child that is triggered by biometric recognition of the child's fingerprint,

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wherein the minimal user authorization authorizes the child to turn on the light of an appliance.

The TUOMELA reference neither teaches, nor suggests, presetting a minimal function for a child, wherein, upon biometric recognition, the child is authorized to turn on a light of an appliance. Page 6 of the Office Action supports this, stating, in part:

Tuomela is silent on the oven having a light and authorizing children to turn on the light as the minimal user authorization, as called for in claim 8 [Applicant's present claim 1].

Rather, with regard to the limitations of former claim 8 (present claim 1), the Office Action alleges:

In the Office Action mailed on 09 May 2005, the examiner took Official Notice in item 10 that ovens having a light are well known. Since the applicant did not traverse the examiner's assertion of official notice, the "well known in the art" statement is taken to be admitted prior art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tuomela's method such that a child is granted authorization to turn on the oven's light because authorizing a child to turn on the oven's light enables the child to check the oven's contents without opening the door, thereby protecting the child.

As such, contrary to the statement made in item 7 of the Office Action, it appears that the Examiner is not using HARIF in combination with TUOMELA to reject claim 8. Applicant respectfully disagrees that the TUOMELA reference, alone or in

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combination with HARIF and/or the understanding that ovens have lights, teaches or suggests all of the limitations of Applicant's claim 8. More particularly, TUOMELA contains no teaching or suggestion that would cause a person of ordinary skill in the art to modify TUOMELA's disclosure such that a child is granted authorization to turn on an appliance light. In fact, it is believed that one of skill in the art would be taught away from Applicant's claimed invention by the understanding that "ovens having a light are well known". Activation of the light on the oven is not normally associated with any harm or risk to a child or other person. As such, a person of skill in the art, upon reading TUOMELA and understanding that "ovens having a light are well known" would not think to limit access to the oven's light, as activation of oven lights is known in the art to be unrestricted and to pose no risk. TUOMELA discloses in col. 5, lines 36 - 40:

As is clear, in the first example the user will be limited to a maximum of 10 functions which can be selected by using a different fingers, unless of course some type of shift function is provided. However, in the second example for each mode of operation of the apparatus the user will be limited to a maximum of 10 functions.

A person of skill in the art, reading the above limitation of the disclosure of TUOMELA would understand that there would be many functions of the system of TUOMELA that would, necessarily, not be subject to requiring biometric recognition

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to activate. As such, since only a limited number of functions in TUOMELA can be subject to requiring biometric recognition, it would be recognized from reading TUOMELA that functions that provide no harm or significant cost to leave unlocked would be left unlocked (i.e., not require biometric recognition). Thus, one of skill in the art, reading TUOMELA and knowing that "ovens having lights are well known", would not waste one of the limited biometric assignments of TUOMELA (i.e., one of the ten assignable functions) on the oven light (or, for that matter, the light of any appliance, as claimed in claim 1, having a plurality of functions).

Further, in the Office Action, it is alleged:

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tuomela's method such that a child is granted authorization to turn on the oven's light because authorizing a child to turn on the oven's light enables the child to check the oven's contents without opening the door, thereby protecting the child. [emphasis added by Applicant]

However, the very rationale used by the Examiner, that of permitting the oven light to protect the child, would suggest to one of skill in the art to permit any person, biometrically recognized or not, to turn on the appliance/oven light. As such, one of skill in the art, given the motivation to modify TUOMELA, suggested in the Office Action, would not require any

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biometric recognition at all, for activation of the oven light.

As such, it is believed that providing restricted access to the light of an appliance to children, upon biometric recognition, would not be obvious to one of skill in the art, in view of TUOMELA and the understanding that "ovens having a light are well known". As such, it is believed that Applicant's invention of claim 8 is patentable over TUOMELA, alone, or in combination with the understanding that "ovens having a light are well known".

II. Applicant's claims 9 and 10 are additionally patentable over the cited references.

Applicant's claim-9 recites, among other limitations:

granting children at least one of minimal user authorization and minimal setting authorization upon biometric recognition of a respective child's fingerprint;

providing a stove as the appliance; and

authorizing children to at least one of turn on the light of the stove and to activate a temperature of the stove suitable for reheating prepared foods as the minimal user authorization. [emphasis added by Applicant]

Applicant's claim 10 recites, among other limitations:

granting children at least one of minimal user authorization and minimal setting authorization upon

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biometric recognition of a respective child's  
fingerprint;

providing a stove as the appliance; and

authorizing children to at least one of turn on the  
light of the stove and to activate a temperature of  
the stove between approximately 50° and 60° C. as the  
minimal user authorization. [emphasis added by  
Applicant]

As such, Applicant's claims 9 and 10 require, among other  
things, presetting a minimal user authorization for a child  
that is triggered by biometric recognition of the child's  
fingerprint, wherein the minimal user authorization relates  
authorizing the child to: 1) for claim 9, at least one of turn  
on the light of the stove or activate a temperature of the  
stove suitable for reheating prepared foods; and 2) for claim  
10, at least one of turn on the light of the stove or activate  
a temperature of the stove between approximately 50° and 60°  
C.

As discussed above in Section I, that section incorporated  
herein by reference, it would not be obvious from TUOMELA,  
alone or in combination with the other cited art, to require  
biometric recognition for the activation of an oven light.

It is further believed that TUOMELA, alone or in combination  
with HARIF, as cited in the Office Action, fails to teach or  
suggest, among other limitations of Applicant's claims, upon



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biometric recognition of a child, authorizing the child to activate a stove only at a low temperature (i.e., "suitable for reheating" or "between approximately 50° and 60° C"). The Office Action states, in part, on page 7:

Tuomela, however, also fails to teach the step of authorizing a child to activate a temperature of the oven to 50-60° C for reheating prepared foods, as called for in claims 9 and 10.

Rather, the Office Action goes on to allege, on pages 7 - 8:

In an analogous art, Harif teaches an authentication system and method employing rule-based operations for controlling access and operation privileges for vehicles, buildings, homes, computers, equipment, etc. (see Sections [0010]-[0012], [0031], [0035], [0037], [0038], [0043], [0060]-[0069]). Per Harif, when the authentication device is coupled to a stove/oven, the unlocking of the front door with any key other than the parents' key limits operation of the stove and range to lower heating temperatures (see Section [0069]). Though Harif is silent on the range of lower heating temperatures, the examiner took Official Notice in the Office Action mailed on 09 May 2005 that it is well known that 50-60° C (122-140° F) is a suitable temperature range for reheating prepared foods. Since the applicant did not traverse the examiner's assertion of official notice, the "well known in the art" statement is taken to be admitted prior art.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Harif's method such that a child is granted authorization to activate a temperature of the stove between 50-60° C because the temperature range is sufficiently high enough to reheat food but low enough to prevent food from burning and potentially causing fires.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Tuomela's method as taught by Harif because reheating prepared food is a relatively safe

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process and desirable in situations when the child is home alone.

Applicant respectfully disagrees with the above, and believes that TUOMELA is not combinable with HARIF to teach or suggest the limitations statements. More particularly, Applicant believes that there is no motivation, absent impermissible hindsight reconstruction, in TUOMELA or HARIF to combine the teachings of those references, as suggested in the Office Action. The HARIF reference relates to a rule-based operation and service provider authentication for a keyed system. In particular the keyed system of HARIF relates primarily to keyed access to vehicles or home security, and not to restricted access turned on or off at the home appliances. For example, paragraph [0069] of HARIF, states in part:

An authentication device may also be coupled to operational equipment within the home. For example, unlocking the front door with the any [sic] key other than the parental keys may limit the operation of the stove and range to lower heating temperatures.  
[emphasis added by Applicant]

As can be seen, HARIF neither teaches, nor suggests a home appliance with biometric recognition features. Rather, even the example of HARIF, disclosing limiting the operation of the stove and range to lower heating temperatures, relates to the keyed access to the domicile, and not a preset restriction and biometric recognition in the appliance.

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Further, **HARIF** discloses only two cases for setting the operation of equipment; either a person is authorized or a person is not authorized. **HARIF** does not teach any cases, such as in Applicant's claims 9 and 10, wherein a person is partially authorized, and as such the combination of **TUOMELA** and **HARIF**, would not teach, among other limitations of Applicant's claims 9 and 10, granting children at least one of minimal user authorization and minimal setting authorization upon biometric recognition of a respective child's fingerprint.

Further still, combining the teachings of **TUOMELA**, with those of **HARIF**, as suggested in the Office Action, would not produce Applicant's invention of claims 9 and 10. As stated above, the combination of **TUOMELA** with **HARIF** would not render obvious a stove light being turned on by a child, subject to biometric recognition. Further, were it permissible to combine the disclosures of **TUOMELA** and **HARIF**, as suggested in the Office Action (Applicant's believe to the contrary), at best, and for the sake of argument, they could only be argued to disclose a home security system (as in **HARIF**) wherein biometric recognition (from **TUOMELA**) of anyone but a parent, at the front door of the home, would set the stove and range to lower heating temperatures. As such, the alleged combination fails

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to teach or suggest Applicant's claimed invention in two major respects, among others. First, the combination of TUOMELA with HARIF, fails to teach or suggest, specifically recognizing access by a child (i.e., HARIF specifically states that the use of any key but the parental key sets the stove and range temperatures to low). As such, contrary to Applicant's invention of claims 9 and 10 which claims enabling a function specifically upon recognizing a child, HARIF discloses disabling a function upon the recognition of any user other than the parents. The failure to recognize parents, disclosed in HARIF, is not the equivalent of specifically recognizing a child. In HARIF, the default condition is that a much larger group than a child (i.e., the babysitter, dogwalker, cleaning service, etc.) would be subject, automatically, to the restricted use of the appliance because of the non-recognition (i.e., they are not the parents) that occurred. In Applicant's invention of claims 9 and 10, pertaining to the stove temperature and the light, a specific recognition must occur before any use of the device is permitted. In other, words, HARIF teaches limited use based upon a determination of exclusion from the authorized group (i.e., person is not the parents), whereas Applicant's invention of claims 9 and 10 (and claim 1, for that matter) provides use based upon a determination of inclusion in the group (i.e., person is the child). As such, it is believed

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that the combination of HARIF and TUOMELA does not teach or suggest, and in fact, teaches away from, Applicant's invention of claims 1, 9 and 10.

Further, HARIF, in combination with TUOMELA, would require the biometric recognition to be placed at the front door (i.e., someplace other than the appliance), and as such, would not teach or suggest Applicant's invention of claims 8, 9 and 10, including the limitation, among others, of "performing a biometric fingerprint recognition of a respective user with a biometric fingerprint recognition device of a household appliance". Further, HARIF's disclosure of placing the keyed access remotely from the stove or range, is incompatible with the disclosure in TUOMELA placing the biometric reader on the telephone or device, and as such, the combination suggested in the Office Action would specifically destroy the teachings of the HARIF reference. As such, it is not permissible to combine HARIF with TUOMELA, in the manner suggested in the Office Action.

In view of the foregoing, it is believed that TUOMELA is not combinable with HARIF to teach or suggest the invention of Applicant's claims 9 and 10 (or claim 1), and if forced into such a combination, would not teach or suggest the invention of those claims.

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### III. Conclusion.

It is accordingly believed that none of the references, whether taken alone or in any combination, teach or suggest the features of claims 1, 9, 10, 15 and 22. Claims 1, 9, 10, 15 and 22 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claims 1, 15 or 22.

In view of the foregoing, reconsideration and allowance of claims 1, 3 - 6 and 9 - 28 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out. In the alternative, the entry of the amendment is requested, as it is believed to place the application in better condition for appeal, without requiring extension of the field of search.

If an extension of time for this paper is required, petition for extension is herewith made.

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Please charge any fees that might be due with respect to  
Sections 1.16 and 1.17 to the Deposit Account of Lerner and  
Greenberg, P.A., No. 12-1099.

Respectfully submitted,

  
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